

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

WILLIAM FREDERICK DOUGLAS, III

PLAINTIFF

v.

CAUSE NO. 1:17CV178-LG-RHW

EVAN HUBBARD, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE FOR FAILURE TO OBEY COURT ORDER**

This cause comes before the Court on the [46] Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on July 16, 2018. According to Magistrate Judge Walker's review of the procedural history of this case, the plaintiff failed to appear at a duly noticed *Spears/Omnibus* hearing. The hearing had been rescheduled after the plaintiff notified the Court that he would be soon be released from custody and desired time to obtain representation. The Court granted this request, cancelled the April 11, 2018 hearing, and rescheduled it for July 16, 2018. Copies of the orders were mailed to the plaintiff at his address of record and presumptively received. Nevertheless, the plaintiff did not appear at the July 16 hearing. Magistrate Judge Walker recommends that this case be dismissed for the plaintiff's failure to comply with the orders of the Court. The copy of the Report and Recommendation mailed to the plaintiff by certified mail was returned as undeliverable, because the plaintiff was no longer at his address of record. (See returned envelope, ECF No. 48.)

In the absence of any objection to Magistrate Judge Walker's recommendation, the Court need only review the Report and Recommendation and

determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After having reviewed the Report and Recommendation and the record in this case, the Court finds that the Magistrate Judge's conclusion is neither clearly erroneous nor contrary to law. Accordingly, it will be adopted by this Court, and plaintiff's case dismissed.

IT IS THEREFORE ORDERED AND ADJUDGED that the [46] Report and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on July 16, 2018 should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff's claims are **DISMISSED** without prejudice pursuant to FED. R. CIV. P. 41(b) for failure to obey the orders of the Court.

SO ORDERED AND ADJUDGED this the 15th day of August, 2018.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE